ORDERS UNDER ACT V OF 1868.

COMMISSIONER IN SIND.

DELEGATING TO THE COMMISSIONER IN SIND THE POWERS CONFERRED ON THE GOVERNOR IN COUNCIL BY CERTAIN REGULATIONS AND ACTS.

Judicial Notn. dated 6th April 1868, B. G. G., 1868, Pt. I, p. 286.

Under the provisions of Section I of Act V of 1868, the Right Honourable the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council by the Regulations and Acts mentioned below :—

(1) *Regulation XVI of 1827, Section 14, Clause 3.*

(2) *Regulation XXI of 1827, Sections 2, 3 and 8.*

(3) *Regulation XX of 1830.*

(3) *Act XXVI of 1850.*

(3) (*Bombay*) *Act II of 1862.*

(4) *Act VII of 1854, Sections 1, 12, 13 and 14.*
Act XLV of 1860, Section 271.

(5) *Act XXV of 1861, Sections 23, 49, 390, 394, 396 and 397.*

(4) *Act VII of 1865, Sections 14 and 15.*

(4) *Act VI of 1863, Section 19.*

Judicial Notn. dated 23rd May 1870, B. G. G., 1870, Pt. I, p. 566.

The portion of Government Notification of 6th April 1861, published at page 286 of the *Government Gazette*, dated the 9th idem, which delegates to the Commissioner in Sind the powers of a Local Government under section 23 of Act XXV of 1861, is cancelled.

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(1) This Notification has become extinct as to Section 14, clause (3), of Regulation XVI of 1827 by the repeal of the Regulation by Bombay Act V of 1879, which has been extended to the whole of Sind (*vide* the Notifications, printed under the Scheduled Districts Act XIV of 1874, at pages 189 to 192 of Volume I, Part II).

(2) This Notification has become obsolete as to Regulation XXI of 1827, Sections 2, 3 and 8 and Regulation XX of 1830 by the repeal of the Regulations by Act I of 1878, which has been extended to the territories administered by the Governor of Bombay in Council, and therefore to the Province of Sind (*vide* Notification No. 1988, dated 22nd March 1878, *B. G. G.*, 1878, Pt. I, p. 228).

(3) This Notification is spent as to Act XXVI of 1850, and Bombay Act II of 1862 by the repeal of the Acts in Sind by Bombay Act I of 1879. (Bombay Act I of 1879 has since been superseded by Bombay Act 3 of 1901.)

(4) This Notification is cancelled as to Act VII of 1854, Sections 1, 12, 13 and 14, by the repeal of the Act by Act XI of 1872 (now Act XV of 1903), and as to Act VII of 1865, Sections 14 and 15, and Act VI of 1863, Section 19, respectively, by the repeal of the Acts by Acts VII and VIII of 1878.

(5) This Notification, so far as it has not been expressly cancelled as to Act XXV of 1861 by Notifications dated 23rd May 1870 and 29th March 1871 (printed, respectively, on this page and the next), would, if it survived the repeal of Act XXV of 1861 by Act X of 1872, appear to have been cancelled by implication by Notification No. 6144, dated 20th October 1887, printed on the next page.

Judicial Notn. dated 29th March 1871, para. 2, B. G. G., 1871, Pt. I, p. 389.

So much of the Notification of Government, dated 6th April 1868, as delegated to the Commissioner in Sind, the powers conferred on the Governor of Bombay in Council by Sections 49 and 396 of Act XXV of 1861, since repealed, is hereby cancelled.

Judicial Notn. dated 11th November 1868, B. G. G., 1868, Pt. I, p. 1125.

Under the provisions of Section 1 of Act V of 1868, the Right Honourable the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council by the following sections of Acts:—

Section 395 of the Criminal Procedure Code (regarding Criminal Lunatics).[1]

Section 14 of (Bombay) Act VI of 1863 (regarding Public Conveyances); and Section 7 of (Bombay) Act VII of 1867 (District Police Act), so far as it relates to the powers of Subordinate Magistrates 1st and 2nd Class.

Notn. No. 1661, General, dated 6th May 1885, B. G. G., 1885, Pt. I, p. 570.

Under the provisions of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind all the powers of a Local Government under Bombay Act II of 1883 (The Karáchi Tramways Act).

Notn No. 6144, Judicial, dated 20th October 1887, B. G. G., 1887, Pt. I, p. 883.

In exercise of the power conferred by Section 1 of Act V of 1868, and with reference to paragraph 1 of Section 3 of the Code of Criminal Procedure, 1882, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers with reference to lunatics conferred on a Local Government by Sections 466, 471, 474 and 475 of the said Code.

Notn. No. 1003, Judicial, dated 22nd February 1890, B. G. G., 1890, Pt. I, p. 153.

Under the provisions of Section 1 of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind the power conferred on a Local Government by Section 6 of Bombay Act IV of 1887 (The Bombay Prevention of Gambling Act).

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(1) The portion in Italics is superseded by Notification No. 6144, dated 20th October 1887, printed on this page.

Notn. No. 6673-B, Revenue, dated 20th September 1890, B. G. G., 1890, Pt. I, p. 954.

In exercise of the power conferred by Section 1 of Act V of 1868, the Governor in Council is pleased to delegate the powers conferred upon him, as the Local Government of the Province of Sind, by the marginally noted sections* of the Bombay Salt Act, 1890, to the Commissioner in Sind.

* Sections 6, 10 clause 1, 17 clause 2, 24 clauses 1 and 2 (except the power to suppress a salt-work) and 25.

Notn. No. 382, General, dated 8th February 1892, B. G. G., Pt. I, p. 71.

In exercise of the power conferred by Section 1 of Act V of 1868, the Governor in Council is pleased to delegate the powers conferred upon him, as the Local Government of the Province of Sind, by the marginally noted sections * of the Bombay Village Sanitation Act, 1889, to the Commissioner in Sind.

*Sections 5, 7, 19 clauses 1 and 2, 21 clause 1, 22 clause 2, 41 clause 1, 42 and 44.

Notn. No. 3891, Judicial, dated 20th July 1892, B. G. G., 1892, Pt. I, p. 665.

Under the provisions of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind, as the Local Government of the Province of Sind, the power conferred on the Governor in Council by Section 45 (2) of Bombay Act IV of 1890.

Notn. No. 6758-B, Judicial, dated 24th September 1895, B. G. G., 1895, Pt. I, p. 987.

Under the provisions of Section 1 of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind the power conferred by Section 25 of the Bombay District Police Act, 1890, on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Notn. No. 5880, Judicial, dated 27th August 1896, B. G. G., 1896, Pt. I, p. 890.

In supersession of Government Notification No. 3098, dated the 4th June 1873, published at page 473 of the *Bombay Government Gazette* for 1873, Part I, and in exercise of the power conferred by Section 1 of the Act V of 1868, as modified by Section 3 of the Code of Criminal Procedure, 1882, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Section 13 of the said Code.

Notn. No. 8957, Judicial, dated 9th December 1897, B. G. G., 1897, Part I, p. 1986.

In exercise of the power conferred by Section 1 of Act V of 1868, as modified by Section 3 of the Code of Criminal Procedure, 1882, the Governor

in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Sections 12, 14, 32, 37, 41, 45 (*f*), 45-A, 54 (clause (*iii*), 110, 133, 143, 144, 174, 186, 191 (*a*, *b* and *c*), 206, 260, 320-K, 321, 407, 435, 464, 472, 524 and 528 of the Code of Criminal Procedure, 1882.

Notn. No. 9100, Judicial, dated 14th December 1897, B. G. G., 1897, Pt. I, p. 1986.

In exercise of the power conferred by Section I of Act V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the said Governor in Council under Sections 27 and 28 of the Bombay Civil Courts Act XIV of 1869.

Notn. No. 4747, Judicial, dated 5th July 1899, B. G. G., 1899, Pt. I, p. 1078.

Under the provisions of Section 1 of Act V of 1868, and in supersession of all previous orders, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind, as the Local Government of the Province of Sind, all the powers conferred on the Governor in Council by Bombay Act VI of 1863.

Notn. No. 5262, Judicial, dated 31st July 1900, B. G. G., 1900, Pt. I, p. 1505.

Under the provisions of Section 1 of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind the power conferred by Section 61 of the Bombay District Police Act, 1890 on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Notn. No. 3736, General, dated 1st July 1901, B. G. G., 1901, Part I-A., p. 95.

In exercise of the powers conferred by Section 1 of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind, as the Local Government of the Province of Sind, all the powers conferred on the Governor in Council by the undermentioned provisions of the Bombay District Municipal Act, 1901 :—

Sub-sections (1) and (4) of Section 4; sub-sections (1) and (3) of Section 8; Sections 11 and 12, save in respect of City Municipalities and save in contravention of any general rules issued by the Governor in Council under the provisions of the same sections; Sections 15, 16 and 23; sub-section (1) of Section 27; sub-section (5) of Section 35; provisos (*a*) and (*c*) to Section 46; sub-sections (1) and (3) of Section 48; Section 52; clause (*b*) of Section 59, in respect of the taxes specified in clauses (*i*) to (*x*); clause (*c*) of Section 60; Sections 61 and 74; sub-section (2) of Section 76; Sections 86, 88, 144, 145, 146, 149, 150, 153, 177, 178, 182, 187, 188, 190 and 191.

Notn. No. 4597, Judicial, dated 17th July 1901, B. G. G., 1901, Pt. I, p. 1296.

In exercise of the power conferred by Section 1 of Act V of 1868, as modified by Section 3 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to delegate to the Commissioner in Sind the power conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Section 562 of the Code of Criminal Procedure, 1898.

Notn. No. 3218, Judicial, dated 30th June 1905, B. G. G., 1905, Pt. I, p. 807.

Under the provisions of Section 1 of Act V of 1868, His Excellency the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred by clause (2) of Section 5 of the Bombay District Police Act, 1890, on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Notn. No. 3870, Judicial, dated 2nd August 1905, B. G. G., 1905, Pt. I, p. 986.

Pursuant to the provisions of Section 1 of Act V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Section 10 of Bombay Act XII of 1866.

Notn. No. 4575, Revenue, dated 9th May 1906, B. G. G., 1906, Pt. I, p. 557.

In exercise of the powers conferred by Section 1 of Act No. V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the Governor in Council as the Local Government of the Province of Sind by clause (*f*) of Section 11 of the Sea Customs Act, 1878 (VIII of 1878).

Notn. No. 4007-A., Revenue, dated 21st April 1908, B. G. G., 1908, Pt. I, p. 567.

In exercise of the powers conferred by Section 1 of Act V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind all the powers conferred on the said Governor in Council, as the Local Government of the Province of Sind, by the Bombay Court of Wards Act, 1905 (Bom. I of 1905), except the power to make rules under Section 46 of the last named Act.

Notn. No. 58, Marine, dated 10th June 1908, B. G. G., 1908, Pt. I, p. 802.

In exercise of the powers conferred by Section 1 of Act No. V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind

the powers conferred on the Governor in Council as the Local Government of the Province of Sind by Section 7 of the Karáchi Port Trust Act, 1886 (Bom. VI of 1886).

Notn. No. 9291, Revenue, dated 14th September 1908, B. G. G., 1908, Pt. I, p. 1446.

In exercise of the powers conferred by Section 1 of Act V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the said Governor in Council as the Local Government of the Province of Sind by Section 9 of the Bombay Land Revenue Code, 1879 (Bom. V of of 1879).

Notn. No. 4872, Judicial, dated 16th September 1908, B. G. G., 1908, Pt. I, p. 1448.

In exercise of the powers conferred by Section 1 of Act V of 1868, the Governor in Council is pleased to delegate to the Commissioner in Sind the powers conferred on the said Governor in Council as the Local Government of the Province of Sind by Section 6 of the Bombay District Police Act, 1890 (Bombay IV of 1890), of appointing and of transferring Assistant Superintendents of Police from one district to another in the province of Sind.

Notn. No. 3406, Judicial, dated 16th June 1909, B. G. G., 1909, Pt. I, p. 1052.

In exercise of the power conferred by Section 1 of Act V of 1868, as modified by Section 3 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to delegate to the Commissioner in Sind the power conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Section 554 (2) (*c*) of the Code of Criminal Procedure, 1898.

Judicial, Notn., dated 24th June 1871, B. G. G., 1871, Pt. I, p. 708.

Under the provisions of Section 2 of Act V of 1868, the Governor of Bombay in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government under Sections 4 and 18 of Act I of 1871 (The Cattle Trespass Act).

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(1)*Revenue Notn., dated 3rd August 1874, B. G. G., 1874, Pt. I, p. 654.*

Under Section 2 of Act V of 1868 (Government of India), the Governor in Council was pleased, with the consent of the Governor General in Council, to delegate to the Commissioner in Sind the powers of the Local Government under Act X of 1870, the Land Acquisition Act.

(1) This Notification, being a document referring to the Land Acquisition Act X of 1870, is to be constructed to refer to the Land Acquisition Act I of 1894 under Section 2 (3) of the latter Act.

This declaration is to be considered to have effect from the 10th May 1871, the date on which the requisite orders delegating the powers were issued.

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(1) *Notn. No. 2738, Revenue, dated 26th May 1880, B. G. G., 1880, Pt. I, p. 505.*

Under the provisions of Act V of 1868, Section 2, the Governor of Bombay in Council, with the consent of the Governor General of India in Council, is hereby pleased to delegate to the Commissioner in Sind all the powers conferred on the Governor of Bombay in Council, as the Local Government of the Province of Sind, by the Indian Ports Act, 1875.

Notn. No. 24, Marine, dated 5th April 1886, B. G. G., 1886, Pt. I, p. 334.

In exercise of the power conferred by Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind all the powers conferred by the Indian Steam-Ships Act VII of 1884 on the Governor in Council as the Local Government of the Province of Sind.

Notn. No. 2090, Judicial, dated 5th April 1893, B. G. G., 1893, Pt. I, p. 338.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind all the powers conferred by the Glanders and Farcy Act, 1879, on the Governor in Council as the Local Government of the Province of Sind.

Notn. No. 77, Marine, dated 19th June 1893, B. G. G., 1893, Pt. I, p. 538.

In exercise of the powers conferred by Section 2 of Act V of 1868, and with the consent of the Governor General of India in Council, the Governor of Bombay in Council is pleased to delegate to the Commissioner in Sind all the powers conferred by the Inland Steam Vessels Act, 1884, as amended by Act III of 1890 and Act XIII of 1891 of the Governor General of India in Council, on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Notn. No. 5937, Judicial, dated 21st August 1895, B. G. G., 1895, Pt. I, p. 911.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in

(1) This Notification, being a document referring to the Indian Ports Act, 1875, is to be construed to refer to the Indian Ports Act X of 1889 under Section 2 (3) of the latter Act. Now Act XV of 1908.

Council, to delegate to the Commissioner in Sind the powers conferred by Section 4 (*o*) of the Code of Criminal Procedure, 1882, on the Governor in Council as the Local Government of the Province of Sind.

Notn. No. 5879, Judicial, dated 27th August 1896, B. G. G., 1896, Pt. I, p. 890.

In supersession of Government Notification, dated the 29th March 1871, published at page 389 of the *Bombay Government Gazette* for 1871, Part I, and under the provisions of Section 2 of Act V of 1868, the Governor of Bombay in Council is pleased, with the consent of the Governor General in Council, to delegate to the Commissioner in Sind the powers conferred on the Governor of Bombay in Council as the Local Government of the Province of Sind by Sections 30 and 31 of the Prisoners' Act V of 1871, as amended by Section 6 of Act VII of 1894, and Section 25 of Act X of 1886, respectively.

Notn. No. 2451, Judicial, dated 30th March 1898, B. G. G., 1898, Pt. I, p. 235.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government to appoint, under Section 5 of Act XIII of 1859, Magistrates of Police in the Province of Sind for dealing with breaches of contracts by artificers and labourers.

Notn. No. 3609, Judicial, dated 23rd May 1898, B. G. G., 1898, Pt. 1, p. 447.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government to appoint Clerks of Courts to the Civil Courts in the Province of Sind under Section 40 of Act XIV of 1869 (The Bombay Civil Courts Act).

Notn. No. 3610, Judicial, dated 23rd May 1898, B. G. G., 1898, Pt. I, p. 447.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government to appoint, reappoint or revoke the appointment of any person official or non-official, as a Visitor of any Prison in the Province of Sind under Rule 3 (2) (*b*) of the Rules made under Section 60 (*r*) of the Prisons Act, 1894, for the appointment and guidance of Visitors of Prisons.

Notn. No. 3453, Revenue, dated 17th May 1899, B. G. G., 1899, Pt. I, p. 686.

In exercise of the power conferred by Section 2 of Act No. V of 1868, His Excellency the Governor in Council is pleased, with the consent of the

Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government under Section 4 (6) of the Guardian and Wards Act, VIII of 1890.

Notn. No. 2615, Judicial, dated 14th April 1900, B. G. G., 1900, Pt. I, p. 844.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the previous consent of the Governor General in Council, to delegate to the Commissioner in Sind the powers conferred by Sections 13 and 14 of Act XXVII of 1871 on the Governor in Council as the Local Government of the Province of Sind. The exercise of these powers by the Commissioner shall be subject to the provisions of Section 15 of the latter Act.

Notn. No. 6639, Judicial, dated 1st October 1900, B. G. G., 1900, Pt. I, p. 2069.

Under the provisions of Section 2 of Act V of 1868, the Governor of Bombay in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers conferred by Sections 20 A and 23 of the Stage Carriages Act, 1861 (as amended by the Stage Carriages Act, Amendment Act, 1898,) on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Notn. No. 1151, Financial, dated 24th March 1903, B. G. G., 1903, Pt. I, p. 448.

In exercise of the power conferred by Section 2 of Act No. V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the powers of a Local Government under the explanation to Section 25 of the Negotiable Instruments Act, XXVI of 1881.

Government Notification No. 4443, dated 23rd December 1902, published at page 2109 of the *Bombay Government Gazette* of the 25th idem, Part I, does not apply to the Province of Sind except as regards holidays which have passed before the date of this Notification.

Notn. No. 5493, Revenue, dated 13th August 1903, B. G. G., 1903, Pt. I, p. 1019.

In exercise of the power conferred by Section 2 of Act No. V of 1868, the Governor in Council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind the power of a Local Government under Section 40 (2) of the Guardians and Wards Act VIII of 1890.

Notn. No. 9359, Revenue, dated 24th September 1907, B. G. G., 1907, Pt. I, p. 1639.

In exercise of the power conferred by Section 2 of Act V of 1868, the Governor in council is pleased, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind all the powers of a Local Government under the Co-operative Credit Societies Act X of 1904.

Notn. No. 3332, Judicial, dated 23rd June 1908, B. G. G., 1908, Pt. I, p. 918.

Under the provisions of Section 2 of Act V of 1868, the Governor in Council is pleased, with the previous consent of the Governor General in Council, to delegate to the Commissioner in Sind the powers conferred by Section 7 of the Cantonments Act, 1889 (XIII of 1889), on the Governor in Council.

Notn. No. 2585, Judicial, dated 3rd May 1909, B. G. G., 1909, Pt. I, p. 701.

In exercise of the powers conferred by Section 2 of Act No. V of 1868, and with the consent of the Governor General in Council, the Governor in Council is pleased to delegate to the Commissioner in Sind the following powers, being powers conferred on the Governor in Council as the Local Government of the Province of Sind by Section 6 of the Provincial Small Causes Courts Act, 1887 (IX of 1887), and Section 8 of the Cantonments Act, 1889 (XIII of 1889) :—

(*a*) the power to appoint a Cantonment Magistrate to be the Judge of a Court of Small Causes established within a Cantonment;

(*b*) the power to declare and to vary, within a limit of five hundred rupees, the value of the suits cognizable by such Judge.

Notn. No. 58, Marine, dated 12th July 1909, B. G. G., 1909, Pt. I, p. 1313.

In exercise of the powers conferred by Section 2 of Act No. V of 1868 and with the consent of the Governor General in Council, the Governor in Council is pleased to delegate to the Commissioner in Sind the following powers, being powers conferred on the Governor in Council as the Local Government of the Province of Sind by Sections 6 and 7 of the Indian Merchant Shipping Act, 1883 (V of 1883) :—

(*a*) the power to receive the reports prescribed by Section 6, and

(*b*) all the powers conferred by Section 7.

ORDERS UNDER ACT XIV OF 1869 (BOMBAY CIVIL COURTS).

EXTENDING THE ACT TO CERTAIN VILLAGES CEDED BY H. H. THE NIZAM OF HYDERABAD.

Judicial, Notn., dated 14th June 1876, B. G. G., 1876, Pt. I, p. 500.

In exercise of the power conferred by the Bombay Civil Courts Act, 1869, Section 1, the Governor in Council is pleased to extend that Act to the undermentioned villages which have been included in and made subject to the Presidency of Bombay by the Governor General in Council according to his